



414-794-1800

1414 16TH STREET TWO RIVERS WI 54241

(ORIGINAL)

April 28, 1996

DOCKET FILE COPY ORIGINAL

RECEIVED

MAY 2 1996

FCC MAIL ROOM

Secretary  
Federal Communications Commission  
1919 "M" Street, N.W.  
Washington, DC 20554

Re: Notice of Proposed Rulemaking, (RM-8760) in Amending Section 73.202(b) in the Table of Allotments, FM Broadcast Stations (Manitowoc and Two Rivers, Wisconsin)

Dear Secretary:

Enclosed are our comments and counter-proposal, an original and four copies, timely filed, in this matter. If there are any questions, please contact the undersigned at (414) 794-1800.

Sincerely,

WTRW INCORPORATED

Mark Heller, President

WTRW Radio Station

1414 16th Street

Two Rivers, WI 54241-3031

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MMB

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, DC 20554

In the matter of:

Amendment of Section 73.203(b)  
Table of Assignments,  
FM Broadcast Stations  
(Manitowoc and Two Rivers, Wisconsin)  
(RM-8760)

**RECEIVED**

**MAY 2 1996**

**FCC MAIL ROOM**

To:  
John A. Karousos  
Chief, Allocations Branch  
Policy and Rules Division  
Mass Media Bureau

**COMMENTS AND COUNTER-PROPOSAL IN AMENDING TABLE OF  
ASSIGNMENTS TO INCLUDE FIRST FM SERVICE TO TWO RIVERS, WISCONSIN**

Comes now, WTRW Incorporated, licensee of WTRW-AM (hereinafter "WTRW"), Two Rivers, Wisconsin with comments and a counter-proposal for the request of Lyle R. Evans d/b/a High Mark Radio Company (hereinafter "Evans") to allocate Two Rivers, Wisconsin its first FM assignment.

Evans proposes to drop Channel 255A into Two Rivers, Wisconsin, provided a site-restriction to Station WQLH-FM, Green Bay, Wisconsin is maintained.

Whereas, WTRW has done extensive research to the proposal to add a new channel with a site restriction of 7.5 miles (12.1 kilometers) southwest of Two Rivers, Wisconsin, and does not believe that even if the assignment is made, that any tower could be built which would allow for a "city grade" coverage of Two Rivers, due to the close proximity to the Manitowoc County Airport, a public airport which has IFR and VOR approaches.

**SITE RESTRICTIONS WOULD BE IN THE DIRECT AREA OF A PROTECTED  
PUBLIC AIRPORT, WITH INSTRUMENT AND VOR APPROACHES.**

Whereas, Evans, although mathematically possible, provides an engineering study which shows no interference would be caused to existing stations, provided the site restriction of 12.1 kilometers southwest of Two Rivers is maintained to WQLH-FM in Green Bay, Wisconsin, Evans does not disclose the apparent restriction of a public and operating airport in his calculations.

That, the Wisconsin Bureau of Aeronautics has provided a height restriction zoning limitation which would preclude any tower greater than 138' above ground within the three mile limitation around the Manitowoc County Airport.

That, WTRW provides a letter, dated April 23, 1996 by Paul A. Hanson, the Manager of the Manitowoc County Airport who states, "The highest tower that could be proposed in the area described in the rulemaking would be only 41 feet above average elevation next to the airport, and 138 feet at the fringe of the three mile area. Any tower that would be proposed at a taller height than that, would become a hazard to air navigation at our airport. We would oppose it completely." The letter is provided as Exhibit "A".

**THERE IS NO POSSIBILITY, THAT A TOWER HEIGHT OF 138 FEET ABOVE THE  
GROUND, WOULD ALLOW FOR A "CITY GRADE" COVERAGE OVER TWO  
RIVERS, WISCONSIN**

There is no major elevation of the land located 7.5 miles (12.1 kilometers) southwest of Two Rivers, Wisconsin, nor any existing tower site which would allow for a City Grade coverage of that city. The lack of towers in the vicinity, is caused by the airport's continuous operation since 1923 and the potential for a hazard to air

navigation.

That, WTRW provides a copy of the Wisconsin Bureau of Aeronautics "Height Limitation Zoning Map"<sup>11</sup>, showing the maximum height of any structure in the area within three miles of the Manitowoc County Airport. Such map is provided as Exhibit "B".

Several years ago, Radio Station WOMT-AM in Manitowoc, Wisconsin was denied a building permit to replace it's AM tower at Mangin Street in Manitowoc due to it's proximity to the Manitowoc County Airport. There is no reason to believe that a variance would be allowed for a new FM station, when an existing AM station which had been operating for seventy years, was not allowed to rebuild it's tower.

Due to the virtually flat terrain, coupled with the tower height limitations, it is impossible to provide a city-grade signal over the City of Two Rivers, Wisconsin, now or in the future.

**A COUNTER-PROPOSAL IS WARRANTED, BUT A NEW FREQUENCY DROPPED  
INTO THE AREA IS NOT NEEDED, NOR REQUIRED**

That, Radio Station WQTC-FM, owned by Seehafer Broadcasting Corporation has been operating with a Two Rivers, Wisconsin "city of license" identification since coming on the air in 1968, and that the knowledge of an editorial comment from the Commission in its' rulemaking, that Channel 272A was originally allotted to Manitowoc, Wisconsin came as a great surprise to all broadcasters in Manitowoc County.

That, Radio Station WQTC-FM already is operating from a tower site which is less than one mile from the City Limits of Two Rivers, Wisconsin and uses the Two Rivers name in it's primary station identification, and has been closely associated with Two Rivers since coming on the air in 1968, and warrants to be the station to be granted the Two Rivers assignment. WQTC-FM provides a 100% "city grade" signal

over Two Rivers, Wisconsin. Any proposed new station on Channel 255A would likely not provide same.

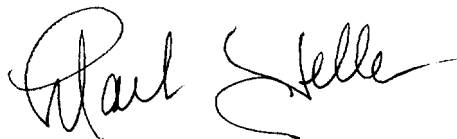
Therefore, WTRW counter-proposes to make the following assignments to Manitowoc and Two Rivers, Wisconsin:

City	Channel No.	
	Present	Proposed
Manitowoc, Wisconsin	221A	221A
Two Rivers, Wisconsin	272A <sup>1</sup>	272A

Such an assignment would provide Two Rivers, Wisconsin with its first (yet, already existing) FM service to that city. Since there is no assurance that the Manitowoc County Airport would cease to operate after 73 years of operation, the addition of Channel 255A should be deleted as unwarranted and unnecessary.

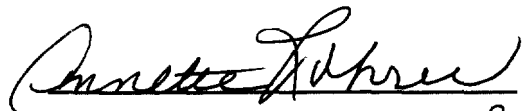
Respectfully submitted,  
WTRW INCORPORATED

(seal)



Mark Heller, President  
1414 16th Street  
Two Rivers, WI 54241-3031  
(414) 794-1800  
April 29, 1996

Subscribed and Sworn Before Me  
this 29<sup>th</sup> day of April, 1996.



Notary Public. Comm Exp 5/18/97

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<sup>1</sup> In its' "Notice of Proposed Rulemaking" adopted on April 3, 1996, the Commission made an editorial correction on Channel 272A to state the original assignment was made to Manitowoc, Wisconsin nearly thirty years ago, and was allowed to be licensed to Two Rivers, Wisconsin under the old 10-mile rule. Since the change is editorial in nature, the Commission may also specify the assignment of Channel 272A as its' Two Rivers "city of license" as well, which is a practical solution to the proposed rulemaking.

**CERTIFICATE OF SERVICE**

I, Mark Heller, hereby certify that on the \_\_\_\_ day of April , 1996, I served a copy of the foregoing "COMMENTS AND COUNTER-PROPOSAL IN AMENDING TABLE OF ASSIGNMENTS TO INCLUDE FIRST F M SERVICE TO TWO RIVERS, WISCONSIN" by first class United States mail, postage prepaid, upon the following:

Konrad Herling  
Federal Communications Commission  
Mass Media Bureau  
1919 "M" Street N.W.  
Room #332  
Washington, D.C. 20554

Lisa Scanlan  
Federal Communications Commission  
Mass Media Bureau  
1919 "M" Street N.W.  
Room #332  
Washington, D.C. 20554

Lyle R. Evans d/b/a  
High Mark Radio Company  
1296 Marian Lane  
Green Bay, WI 54304

Seehafer Broadcast Corporation  
Station WQTC-FM  
3730 Mangin Street  
Manitowoc, WI 54220

  
\_\_\_\_\_  
Mark Heller



# Manitowoc County Airport

April 23, 1996

TO WHOM IT MAY CONCERN:

I am the manager of the Manitowoc County Airport at Manitowoc, Wisconsin.

The proposed rulemaking for a new FM radio station at Two Rivers, with a tower site restricted to 7.5 miles southwest of that city, would put a new tower within the three mile protected area of the Manitowoc County Airport.

The highest tower that could be proposed in the area described in the rulemaking would be only 41 feet above average elevation next to the airport, and 138 feet at the fringe of the three mile area.

Any tower that would be proposed at a taller height than that, would become a hazard to air navigation at our airport. We would oppose it completely.

I am providing a copy of the Height Limitation Zoning Map, which was provided by the Wisconsin Bureau of Aeronautics, which was produced on December 19, 1995, which shows the three mile protection of our airport.

Sincerely,

*Paul A. Hanson*

Paul A. Hanson  
Manager, Manitowoc County Airport

Exhibit A.

Manitowoc County Airport  
Menasha Avenue  
Manitowoc, Wisconsin 54220

**Paul A. Hanson**  
Airport Superintendent  
414-683-4594

**CERTIFICATE OF SERVICE**

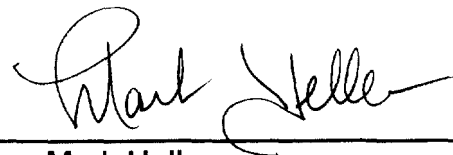
I, Mark Heller, hereby certify that on the 30<sup>th</sup> day of April, 1996, I served a copy of the foregoing "COMMENTS AND COUNTER-PROPOSAL IN AMENDING TABLE OF ASSIGNMENTS TO INCLUDE FIRST F M SERVICE TO TWO RIVERS, WISCONSIN" by first class United States mail, postage prepaid, upon the following:

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Station WQTC-FM  
3730 Mangin Street  
Manitowoc, WI 54220

A handwritten signature in cursive script, reading "Mark Heller", written over a horizontal line.

Mark Heller





